

AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 322

Introduced by Assembly Member Oropeza

February 10, 2005

An act to add Article 10 (commencing with Section 270) to Chapter 2 of Part 1 of the Education Code, relating to education equity.

LEGISLATIVE COUNSEL'S DIGEST

AB 322, as amended, Oropeza. ~~Equity in Athletics~~ *Athletes' Bill of Rights*.

Existing law, the Sex Equity in Education Act, states the policy of the state that elementary and secondary school classes and courses, including nonacademic and elective classes and courses, be conducted without regard to the sex of the pupil enrolled in these classes or courses. Existing federal law, known as Title IX, prohibits a person, on the basis of sex, from being excluded from participation in, being denied the benefits of, or being subject to, discrimination under any education program or activity receiving federal financial assistance.

This bill would enact the ~~Equity in Athletics~~ *Athletes' Bill of Rights* and would enumerate the rights available to a pupil relating to gender equity in athletics. The bill would require the State Department of Education to post ~~the bill of these~~ rights on its Web site and would require a school district that elects to offer competitive or club sports to its pupils to print and post posters setting forth ~~the bill of these~~ rights. The bill would require the posters to contain specified information and would require the poster to be posted at the entrance of the school gym and in the male and female locker rooms.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares both of the following:

(1) Thirty years after the adoption of Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.), there is still serious need for improvement in gender equity in athletics. Because of the lack of training at the high school level there is a prevalent and severe lack of Title IX awareness making it difficult for California to achieve full gender equity in athletics.

(2) Reports have indicated that at the community college and university levels athletic administrators and coaches have more awareness of Title IX compliance issues than at the high school level. Some of this awareness is the result of discrimination complaints or lawsuits that have forced colleges and universities to make changes in the number of athletic teams offered, to expend funds to improve facilities, or to make other changes that improve equity in athletics for women and men. However, even though the overall picture has improved, there are still several areas of inequity that need to be addressed.

(b) ~~The Equity in Athletics~~ *Athletes' Bill of Rights* set forth in this act aims to educate high school pupils and parents of their Title IX rights.

SEC. 2. Article 10 (commencing with Section 270) is added to Chapter 2 of Part 1 of the Education Code, to read:

Article 10. ~~Equity in Athletics~~ *Athletes' Bill of Rights*

~~270. (a) The department shall post the Equity in Athletics Bill of Rights, as set forth in Section 271, on its Web site in both English and Spanish.~~

270. (a) The department shall post on its Web site, in both English and Spanish and at a reading level that may be comprehended by pupils in high school, the information set forth in the federal regulations implementing Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.).

(b) Each school district that elects to offer competitive or club sports to its pupils shall print and post posters setting forth the ~~Equity in Athletics Bill of Rights~~ *information described in subdivision (a)* in not less than 12-point bold type. The posters

1 shall have the title—~~“Equity in Athletics~~ “*Athletes’ Bill of*
2 *Rights*” printed at the top of the posters. The bottom of each
3 poster shall contain the name of, and contact information for, the
4 ~~gender equity coordinator of the school. Title IX coordinator at~~
5 *the school, or other responsible school employee, designated*
6 *pursuant to Section 106.8 of Title 34 of the Code of Federal*
7 *Regulations.*

8 (c) The poster shall be posted at the entrance of the school
9 gym and in the male and female locker rooms.

10 ~~271. The following is the Equity in Athletics Bill of Rights for~~
11 ~~pupils:~~

12 *271. The following list of rights, which are based on the*
13 *relevant provisions of the federal regulations implementing Title*
14 *IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et*
15 *seq.), may be used by the department for purposes of Section*
16 *270:*

17 (a) You have the right to fair and equitable treatment and you
18 shall not be discriminated against based on your sex.

19 (b) You have the right to be provided with an equitable
20 opportunity to participate in all academic extracurricular
21 activities, including athletics.

22 (c) You have the right to share your athletic interest with the
23 athletic director.

24 (d) You have the right to apply for athletic scholarships.

25 (e) You have the right to receive ~~equal~~ *equitable* treatment and
26 benefits in the provision of all of the following:

27 (1) Equipment and supplies.

28 (2) Scheduling of games and practices.

29 (3) Transportation and daily allowances.

30 (4) Access to tutoring.

31 (5) Coaching.

32 (6) Locker rooms.

33 (7) Practice and competitive facilities.

34 (8) Medical and training facilities and services.

35 (9) Publicity.

36 (f) You have the right to have access to a gender equity
37 coordinator to answer questions regarding gender equity laws.

38 (g) You have the right to contact the State Department of
39 Education and the California Interscholastic Federation to access
40 information on gender equity laws.

- 1 (h) You have the right to file a confidential discrimination
2 complaint with the United States Office of Civil Rights or the
3 State Department of Education if you believe you have been
4 discriminated against or if you believe you have received unequal
5 treatment on the basis of your sex.
- 6 (i) You have the right to pursue civil remedies if you have
7 been discriminated against.
- 8 ~~(j)~~
- 9 (j) You have the right to be protected against retaliation if you
10 file a discrimination complaint.